

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17563 of 2024

Arising Out of PS. Case No.-761 Year-2023 Thana- GARKHA District- Saran

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Rohit Singh @ Rohit Kumar, aged about 36 years, Male, Son Of Phalindar
Singh @ Fanindra Singh, Resident of Village -Salaha, P.S. -Garkha District
-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Informant : Mr. S.B.K. Mangalam, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-03-2024 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel appearing on behalf of the petitioner; Mr. S.B.K.
Mangalam, learned counsel appearing on behalf of the
informant and Mr. Raj Kishor Singh, learned A.P.P. for the State.

2. At the outset, learned counsel appearing on behalf
of the petitioner seeks to implead North Bihar Power
Distribution Company Limited as opposite party no. 2 in course
of the day.

3. Permission is accorded.

4. The petitioner seeks pre-arrest bail in connection
with Garkha P.S. Case No. 761 of 2023 registered for the



offence punishable under Section 302 and 325 of the Indian Penal Code.

5. Prosecution story, in brief, is that on 26.12.2023, the informant and his nephew namely, Rajnish Kumar Singh (deceased) had gone to irrigate their field. The field of the informant was adjacent to the maize field of the petitioner, which was fenced with naked electric wire. In the course of spreading pipe in their field, nephew of the informant came in contact of naked electric wire, and fell unconscious after suffering electric shock. In an attempt to save his nephew, the informant too came in contact with the electric wire due to which three fingers of his right hand were burnt. While on their way to Garkha for receiving treatment, nephew of the informant died.

6. Learned counsel appearing on behalf of the petitioner submitted that it is admitted that the death of the nephew of the informant had taken place as a result of electrocution and the same has been confirmed by the doctor, who had performed postmortem of the dead body. He further submitted that this is a case of accidental death and the petitioner cannot be held liable for having committed murder of the nephew of the informant. Learned counsel further submitted



that the negligence is not on the part of the petitioner, rather, it is on the part of the power holding company, which has not taken any action against the person for such illegal act. On these grounds, petitioners seek to be released on pre-arrest bail.

7. Learned counsel appearing on behalf of the informant submitted that it is admitted that the death had occurred due to electrocution and it is confirmed by the doctor, who has prepared postmortem. At the same time, it is also admitted that the naked live wire was used to fence the field of the petitioner and death took place because the nephew of the informant had accidentally came in contact with the naked live wire. On these grounds, he submitted that the petitioner does not deserve to be released on pre-arrest bail.

8. Mr. Raj Kishor Singh, learned A.P.P. appearing on behalf of the State has also vehemently opposed the prayer for grant of pre-arrest bail to the petitioner, however, he submitted that informant can claim compensation from the power holding company on account of death of his nephew.

9. Having considered the rival submissions made on behalf of the parties and the allegation made in the FIR, as well as, from the perusal of the case diary and postmortem report, it appears that the death had taken place due to electrocution. In



course of investigation, Investigating Officer has found that naked live wire had passed through the field of the petitioners. Death is admittedly accidental. It cannot be considered that due to the negligence of the petitioner, the death has occurred, rather, the same, *prima facie*, appears to be accidental in nature having been caused due to electrocution.

10. This is one of the glaring case in which the power holding company has not performed its duty in restricting the villagers to have resorted in illegal manner to use naked live wire to protect their crops. No doubt the crops are being damaged by animals and the same causes national loss as well. In the present case, the informant has not made the power holding company as accused, however, the informant cannot be denied due compensation to be paid by the power holding company.

11. I am of the opinion that the informant may take steps to claim compensation from the power holding company, if so advised.

12. The death *prima facie* appears to have occurred due to electrocution, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saran at Chapra, in connection with Garkha P.S. Case No. 761 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

13. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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